Remarks

Applicant respectfully requests reconsideration. This amendment effects changes to the specification and to the claims. The status of the claims is now as follows:

- Claims 1, 3 and 4 have been amended;
- Claims 5-8 have been canceled without prejudice;
- Claims 9 and 10 have been added.

Election/Restriction

The Examiner has required restriction to one of three inventions identified in the Office Action. A provisional election was previously made with traverse to prosecute the invention identified as Group I, which consists of claims 1-4. Applicant hereby affirms that provisional election and has canceled the non-elected claims.

Specification:

Applicant has corrected a minor error in the specification, wherein the "vehicle database" was misidentified with reference numeral "24." Applicant's correction reflects the proper reference numeral, "44," and agrees with the depiction shown in Fig. 1.

Claims:

The Examiner has objected to claim 3 because "protocal" is misspelled. Applicant has amended claim 3 to correct this error.

The Examiner has rejected claim 4 under 35 U.S.C. § 112, asserting that "the application program" lacks antecedent basis. Applicant has amended claim 4 to change this term to "the telematics application." The term "telematics application" is first set forth in the preamble of claim 1. Therefore, the amended term has proper antecedent basis, and the rejection of claim 4 under 35 U.S.C. §112 is overcome.

The Examiner has rejected claim 1 under 35 U.S.C. §102(e) as being anticipated by Klausner et al. (U.S. Patent No. 6,748,305 B1, hereinafter, "Klausner"). Klausner teaches a method and device for storing data in a vehicle. The device includes a "memory medium" that is connected over a vehicle data bus to various sensors and subsystems. At various points in time, the memory medium can be updated to include a potentially wide variety of information about the vehicle, including the status of its

systems, the driving characteristics of its operators, and even the environmental conditions to which the vehicle is subject during its time in service. See abstract.

Significantly, however, Klausner does not disclose a way of readily adapting its system or method for vehicles that employ different types of data buses. It is not clear how a telematics application that runs on one vehicle employing Klausner's design could be used on a different type of vehicle having a different type of data bus.

In contrast with Klausner, claim 1 as amended is directed to a method of acquiring vehicle data that is applicable to a wide range of vehicle data bus types. Claim 1 as amended includes a step of "retrieving vehicle data bus information from a database." The database stores "data bus information for a plurality of different makes of vehicles [.]" The data bus information retrieved is "associated with the make of vehicle on which the telematics application is executed [.]" Once data bus information for the particular vehicle make is retrieved, that information is applied in a step of "extracting vehicle data from the vehicle data bus using the vehicle data bus information [.]"

The steps of "retrieving" vehicle-specific bus information and "extracting" data from a vehicle, as recited in claim 1 as amended, are absent from Klausner. Klausner does not describe how its system might be adapted for different types of vehicles, bus protocols, and/or bus configurations.

These differences are not trivial. As Applicant has stated in the background section of the instant application, "Vehicle data bus architectures, and the data conveyed on the buses, are typically vehicle-dependent, or specific to the vehicle make and/or manufacturer." See ¶ [0003]. In addition, "application programmers often need an intimate understanding of each vehicle's data-bus architecture and associated knowledge in how to extract vehicle data from that architecture. See ¶ [0005]. The invention defined by claim 1 as amended overcomes these limitations of the prior art (including Klausner) by allowing a telematics application to be written more independently of the vehicle make and/or manufacturer. See ¶ [0030].

In light of these distinctions, Klausner does not anticipate claim 1 as amended, and the rejection of claim 1 under 35 U.S.C. § 102(e) is overcome. As claim 1 as amended has not been rejected on any other grounds, Applicant respectfully submits that claim 1 as amended is allowable.
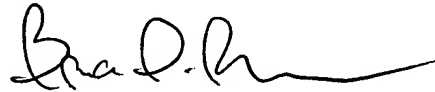
Claims 2-4 depend from claim 1 as amended and are allowable for the same reasons. Although claim 2 was separately rejected under 35 U.S.C. § 103(a), that rejection is now moot in view of the status of claim 1 as amended.

Claims 9 and 10 have been added. Each of the newly added claims includes the steps of "accessing a database that stores data bus information for a plurality of different vehicle makes" and "querying the database to retrieve data bus information for a particular vehicle make [.]" The prior art of record does not teach or suggest these limitations. Therefore, and for at least these reasons, Application respectfully suggests that claims 9 and 10 are allowable.

Conclusion:

Applicant contends that the application is now in condition for allowance. A notice to that effect is earnestly solicited.

Respectfully Submitted,

Bruce D. Rubenstein
Reg. No. 39,349
Attorney for Applicant

Atty. Docket : 1865-US
Telephone : 781-274-0202
Fax : 781-274-0201

4